

Applic. No. 09/878,665  
Amdt. dated October 1, 2003  
Reply to Office action of May 21, 2003

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 2-9, 16-20, and 22-25 remain in the application.

Claims 9, 16, and 25 have been amended.

In the second paragraph on page 2 of the above-identified Office action, the Examiner stated that on page 7, line 6, "a variant of" should be deleted and in line 8 "of a another variant" should be deleted. The specification has been amended so as to facilitate prosecution of the application.

In the fourth paragraph on page 2 of the Office action, claims 9 and 16 have been rejected under 35 U.S.C. § 112 first paragraph.

More specifically, the Examiner stated that there is no support in the disclosure for the prongs to have more than two legs. Claims 9 and 16 have been amended so as to facilitate prosecution of the application, and now recite "said prongs having two legs". Therefore, the rejection has been overcome.

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In the first paragraph on page 3 of the Office action, claims 9, 16, and 25 have been rejected as being indefinite under 35 U.S.C. § 112.

More specifically, the Examiner has stated that with respect to claims 9 and 16, there is no antecedent basis for "said prongs having at least two legs". As noted above, the claims have been amended so as to facilitate prosecution of the application, and now recite "said prongs having two legs". Therefore, the rejection has been overcome.

The Examiner also stated that claim 25 appears to be misdescriptive and/or inaccurate because it is not seen how either leg could be considered "parallel" to the rack base. Claim 25 has been amended so as to facilitate prosecution of the application. Therefore, the rejection has been overcome.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, first and second paragraphs. Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved. The above-noted changes to the claims are provided solely for cosmetic or clarificatory reasons. The changes are not provided for

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overcoming the prior art nor for any reason related to the statutory requirements for a patent.

It is appreciatively noted from page 3 of the Office action, that claims 2-8, 17-20, and 22-24 have been allowed.

It is also appreciatively noted from page 3 of the Office action, that claims 9, 16, and 25 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, set forth in this office action. As noted above, the claims have been amended so as to overcome the rejections under 35 U.S.C. § 112, set forth in this office action. Therefore claims 9, 16, and 25 should be in condition for allowance.

In view of the foregoing, reconsideration and allowance of claims 2-9, 16-20, and 22-25 are solicited.

Since it is believed that only allowable claims remain, the early issuance of a Notice of Allowance is solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.


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Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$410 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

**Alfred K. Dassler**  
**52,794**

  
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For Applicant(s)

**OFFICIAL**

AKD:cgm

October 1, 2003

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